

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 07-510
v.	:	DATE FILED: 8/23/07
SAMUEL DIAZ	:	VIOLATIONS:
ROSEMARY TAPIA	:	21 U.S.C. § 846 (conspiracy to distribute
	:	heroin - 1 count)
	:	21 U.S.C. § 841(a)(1) (possession with
	:	intent to distribute heroin - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture
	:	
	:	

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. In or about May 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**SAMUEL DIAZ and
ROSEMARY TAPIA**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute 100 grams or more, that is, approximately 112 grams, of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendants SAMUEL DIAZ and ROSEMARY TAPIA sold quantities of heroin by setting up the amount and delivery location via mobile telephone.

3. Defendants SAMUEL DIAZ and ROSEMARY TAPIA packaged the heroin in plastic bags.

4. Defendants SAMUEL DIAZ and ROSEMARY TAPIA traveled together to the established delivery location by motor vehicle, a white Ford Taurus.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendants SAMUEL DIAZ and ROSEMARY TAPIA and others known and unknown to the grand jury committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

On or about May 30, 2007:

1. Defendant SAMUEL DIAZ spoke by mobile telephone to a cooperating witness in order to arrange a delivery of heroin.

2. Defendants SAMUEL DIAZ and ROSEMARY TAPIA drove to a location close to Frankford and Hellerman Streets in the City of Philadelphia in order to deliver a quantity of heroin.

3. Defendant SAMUEL DIAZ placed a quantity of heroin packaged in a plastic bag on the ground behind the wheel of a vehicle parked on Hellerman Street.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 30, 2007, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

**SAMUEL DIAZ and
ROSEMARY TAPIA**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the
possession with intent to distribute of, 100 grams or more, that is, approximately 112 grams, of a
mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and
Title 18, United States Code, Section 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1), as set forth in this indictment, defendants

SAMUEL DIAZ and ROSEMARY TAPIA

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not limited to:

1. A white Ford Taurus; and

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses, and

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided with out difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

GRAND JURY FOREPERSON

**PATRICK L. MEEHAN
UNITED STATES ATTORNEY**